

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 17, 2003

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning Department

AGENDA ITEM WORDING:

A public hearing to consider an amendment to Section 9.5-4 (Definitions) of the Land Development Regulations by adding definitions for Coastal Barrier Resources Systems and Conservation Land Protection Areas.

(One required Public Hearing)

ITEM BACKGROUND:

The terms "*Coastal Barrier Resources System*" and "*Conservation Land Protection Area*" are terms that are used in the point allocation system for both ROGO and NROGO projects as directed by Monroe County Year 2010 Comprehensive Plan Policy 101.5.4 (ROGO) and 101.5.5 (NROGO). While they have been used, they have never been included in the Definition Section 9.5-4 of the Monroe County Code. The addition of these definitions to the Monroe County Code has been directed by both the Planning Commission and the BOCC.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** N/A **Year** ☐

APPROVED BY: County Atty X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____

Timothy J. McBerry, AICP

DOCUMENTATION: Included X

To Follow ☐

Not Required ☐

DISPOSITION: _____

AGENDA ITEM # TL6

7/10/07

**AMENDMENT TO THE MONROE COUNTY LAND
DEVELOPMENT REGULATIONS**

Board of County Commissioners
Marathon
December 17, 2003

PROPOSED AMENDMENTS TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS

A request filed by the Monroe County Department of Planning concerning Amendments to Section 9.5-4 (Definitions), adding a definition for Coastal Barrier Resources Systems; adding a definition for Conservation Land Protection Area.

LDR Recommendations

Staff	Approval	October 1, 2003	Staff Report
DRC	Approval	October 2, 2003	Resolution #D31-03
PC	Approval	November 5, 2003	Resolution #P72-03

BOCC ORDINANCE

ORDINANCE NO. -2003

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 9.5-4 (DEFINITIONS); PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the terms "*Coastal Barrier Resources System*" and "*Conservation Land Protection Area*" are terms that are used in the point allocation system for both ROGO and NROGO projects as directed by Monroe County Year 2010 Comprehensive Plan Policy 101.5.4 (ROGO) and 101.5.5 (NROGO); and

WHEREAS, while they have been used, they have never been included in the Definition Section 9.5-4 of the Monroe County Code; and

WHEREAS, the addition of these definitions to the Monroe County Code has been directed by the Planning Commission; and

WHEREAS, at the October 2, 2003 public meeting of the Development Review Committee, the Committee voted to recommend APPROVAL of the amendment; and

WHEREAS, at a public hearings of October 22, 2003 and November 5, 2003, the Planning Commission voted to APPROVE the amendment; and

WHEREAS, at the regularly scheduled public hearing of December 17, 2003, the Board of County commissioners reviewed the amendment and was presented with:

- Staff Report prepared by Fred Gross, Director of Lower Keys Planning Team.
- Sworn testimony of staff.
- Sworn testimony of BOCC counsel
- Comments from the public; and

WHEREAS, the Board of County Commissioners finds that there is a need to include these terms and definitions to the Monroe County Code; and

WHEREAS, the Board of County Commissioners finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Board of County Commissioners finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Underlined text is added.

Section 1. Sec. 9.5-4 Definitions

(C-7) Coastal Barrier Resources System (CBRS) means those fifteen (CBRS) units in Monroe County designated under the Federal Coastal Barrier Resources Act (CBRA) of 1982, comprised of undeveloped coastal barriers and all associated aquatic habitats including wetlands, marshes, estuaries, inlets and near shore waters.

[Re-number (C-7) to (C-21)]

(C-21) Conservation Land Protection Area means areas that have been identified by the County in management plans for resource protection that are inside or adjacent to existing state and federal park and conservation land boundaries.

[Re-number (C-21) to (C-28)]

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, A.D., 2003.

Mayor Murray Nelson
Mayor Pro Tem David Rice
Commissioner Charles "Sonny" McCoy
Commissioner George Neugent
Commissioner Dixie Spehar

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

BOCC STAFF REPORT

MEMORANDUM

TO: Board of County Commissioners

FROM: Fred Gross, Director, Lower Keys Island Planning Team

DATE: November 18, 2003

RE: **REVISIONS TO SECTION 9.5-4 (Definitions)**

I. BACKGROUND

The terms "***Coastal Barrier Resources System***" and "***Conservation Land Protection Area***" are terms that are used in the point allocation system for both ROGO and NROGO projects as directed by Monroe County Year 2010 Comprehensive Plan Policy 101.5.4 (ROGO) and 101.5.5 (NROGO). While they have been used, they have never been included in the Definition Section 9.5-4 of the Monroe County Code. The addition of these definitions to the Monroe County Code has been directed by both the Planning Commission and the BOCC.

This proposed amendment would add those two frequently used terms to the Monroe County Code.

The proposed amendment was reviewed and approved at a public meeting of the Development Review Committee on October 2, 2003. The amendment was heard and approved after two public hearings of the Planning Commission on October 22, 2003 and on November 5, 2003.

II. ANALYSIS & FINDINGS OF FACT

1. The Staff and Planning Commission find that there is a need to include these terms and definitions to the Monroe County Code.
2. The Staff and Planning Commission find that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness.
3. The Staff and Planning Commission find that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan.

III. PROPOSED TEXT

Underlined text is added.

Sec. 9.5-4 Definitions

(C-7) Coastal Barrier Resources System (CBRS) means those fifteen (CBRS) units in Monroe County designated under the Federal Coastal Barrier Resources Act (CBRA) of 1982, comprised of undeveloped coastal barriers and all associated aquatic habitats including wetlands, marshes, estuaries, inlets and near shore waters.

[Re-number (C-7) to (C-21)]

(C-21) Conservation Land Protection Area means areas that have been identified by the County in management plans for resource protection that are inside or adjacent to existing state and federal park and conservation land boundaries.

[Re-number (C-21) to (C-28)]

IV. RECOMMENDATIONS

Based on the Findings of Fact above, Staff and Planning Commission recommend **APPROVAL** of the proposed amendment to Section 9.5-4 of the Monroe County Code.

PLANNING COMMISSION RESOLUTION

PLANNING COMMISSION RESOLUTION #P72-03

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND SECTION 9.5-4 OF THE MONROE COUNTY CODE, IN ORDER TO ADD DEFINITIONS FOR "COASTAL BARRIER RESOURCES SYSTEMS" AND "CONSERVATION LAND PROTECTION AREA".

WHEREAS, The terms "*Coastal Barrier Resources System*" and "*Conservation Land Protection Area*" are terms that are used in the Point Allocation System for both ROGO and NROGO projects; and

WHEREAS, they have never been included in the Definition Section 9.5-4 of the Monroe County Code; and

WHEREAS, the omission of these definitions has been a concern of both the Planning Commission and the Board of County Commissioners; and

WHEREAS, this proposed amendment would add those two frequently used definitions to the Monroe County Code; and

WHEREAS, this proposed amendment was reviewed at the Development Review Committee public meeting of October 2, 2003; and

WHEREAS, this proposed amendment was reviewed at planning commission public hearings on October 22, 2003, and November 5, 2003; and

WHEREAS, the planning commission reviewed:

1. Staff report prepared on October 7, 2003 by Fred Gross, Island Planning Team Director.
2. Proposed change to the Monroe County Land Development Regulations.
3. The sworn testimony of the Growth Management Staff.
4. The sworn testimony of residents of Monroe County; and

WHEREAS, the Planning Commission finds that there is a need to include these terms and definitions to the Monroe County Code; and

WHEREAS, the Planning Commission finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Planning Commission finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

PROPOSED TEXT:

Underlined text is added.

Sec. 9.5-4 Definitions

(C-7) Coastal Barrier Resources System (CBRS) means those fifteen (CBRS) units in Monroe County designated under the Federal Coastal Barrier Resources Act (CBRA) of 1982, comprised of undeveloped coastal barriers and all associated aquatic habitats including wetlands, marshes, estuaries, inlets and near shore waters.

[Re-number (C-7) to (C-21)]

(C-21) Conservation Land Protection Area means areas that have been identified by the County in management plans for resource protection that are inside or adjacent to existing state and federal park and conservation land boundaries.

[Re-number (C-21) to (C-28)]

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 5th day of November, 2003.

Jerry Coleman, Chair

YES

Denise Werling, Vice Chair

YES

David C. Ritz, Commissioner

YES

Giulio Margalli, Commissioner

YES

Lynn C. Mapes, Commissioner

YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn C. Mapes, Chair

Signed this _____ day of _____, 2003.

DEVELOPMENT REVIEW COMMITTEE RESOLUTION

DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D31-03

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST FILED BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND SECTION 9.5-4 OF THE MONROE COUNTY CODE, (PARKING AND LOADING STANDARDS) IN ORDER TO ADD DEFINITIONS FOR "COASTAL BARRIER RESOURCES SYSTEMS" AND "CONSERVATION LAND PROTECTION AREA".

WHEREAS, The terms "*Coastal Barrier Resources System*" and "*Conservation Land Protection Area*" are terms that are used in the Point Allocation System for both ROGO and NROGO projects; and

WHEREAS, they have never been included in the Definition Section 9.5-4 of the Monroe County Code; and

WHEREAS, the omission of these definitions has been a concern of both the Planning Commission and the BOCC; and

WHEREAS, this proposed amendment would add those two frequently used terms to the Monroe County Code; and

WHEREAS, staff finds that there is a need to include these terms and definitions to the Monroe County Code; and

WHEREAS, staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, this proposed amendment was reviewed at the Development Review Committee public meeting of October 2, 2003.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

PROPOSED TEXT:

Sec. 9.5-4 Definitions

(C-7) Coastal Barrier Resources System (CBRS) means those fifteen (CBRS) units in Monroe County designated under the Federal Coastal Barrier Resources Act (CBRA) of 1982, comprised of undeveloped coastal barriers and all associated aquatic habitats including wetlands, marshes, estuaries, inlets and near shore waters.

[Re-number (C-7) to (C-21)]

(C-21) Conservation Land Protection Area means areas that have been identified by the County in management plans for resource protection that are inside or adjacent to existing state and federal park and conservation land boundaries.

[Re-number (C-21) to (C-28)]

Underlined text is added.

PASSED AND ADOPTED By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 2nd day of October, 2003.

Fred Gross, Director, Lower Keys Planning Team (Chair)	<u>YES</u>
Ralph Gouldy, Environmental Resources Senior Administrator	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By _____
Fred Gross, DCR Chair

Signed this 2nd day of October, 2003